

IN THE SUPREME COURT OF THE STATE OF DELAWARE

RONALD JONES, ¹	§
	§ No. 495, 2011
Defendant Below-	§
Appellant,	§
	§ Court Below—Family Court
v.	§ of the State of Delaware
	§ in and for New Castle County
STATE OF DELAWARE,	§ File No. 11-04-015180
	§
Plaintiff Below-	§
Appellee.	§

Submitted: March 19, 2012

Decided: March 21, 2012

Before **HOLLAND, BERGER** and **JACOBS**, Justices

ORDER

This 21st day of March 2012, upon consideration of the appellant's brief filed pursuant to Supreme Court Rule 26(c), his attorney's motion to withdraw, and the State's response thereto, it appears to the Court that:

(1) The defendant-appellant, Ronald Jones, a minor, was charged with one count each of Robbery in the Second Degree and Conspiracy in the Second Degree. Following a hearing, the Family Court adjudged him

¹ The Court *sua sponte* assigned a pseudonym to the appellant by Order dated September 14, 2011. Supr. Ct. R. 7(d).

delinquent and sentenced him to 6 months at the Ferris School.² This is Jones's direct appeal.

(2) Jones's counsel on appeal has filed a brief and a motion to withdraw pursuant to Rule 26(c). Jones's counsel asserts that, based upon a complete and careful examination of the record and the law, there are no arguably appealable issues. By letter, Jones's attorney informed him of the provisions of Rule 26(c) and provided him with a copy of the motion to withdraw and the accompanying brief.³ Jones also was informed of his right to supplement his attorney's presentation. He has not raised any issues for this Court's consideration. The State has responded to the position taken by Jones's counsel and has moved to affirm the Family Court's judgment.

(3) The standard and scope of review applicable to the consideration of a motion to withdraw and an accompanying brief under Rule 26(c) is twofold: a) this Court must be satisfied that defense counsel has made a conscientious examination of the record and the law for arguable claims; and b) this Court must conduct its own review of the record in order

² Because Jones had been charged with a felony and adjudged delinquent in connection therewith within the preceding 12 months, his 6-month sentence was statutorily-mandated. Del. Code Ann. tit. 10, §1009(e) (1).

³ The letter was sent to Jones in care of his mother.

to determine whether the appeal is so totally devoid of at least arguably appealable issues that it can be decided without an adversary presentation.⁴

(4) The Court has reviewed the record carefully and has concluded that Jones's appeal is wholly without merit and devoid of any arguably appealable issue. We also are satisfied that Jones's counsel has made a conscientious effort to examine the record and the law and has properly determined that Jones could not raise a meritorious claim in this appeal.

NOW, THEREFORE, IT IS ORDERED that the State's motion to affirm is GRANTED. The judgment of the Family Court is AFFIRMED. The motion to withdraw is moot.

BY THE COURT:

/s/ Carolyn Berger
Justice

⁴ *Penson v. Ohio*, 488 U.S. 75, 83 (1988); *McCoy v. Court of Appeals of Wisconsin*, 486 U.S. 429, 442 (1988); *Anders v. California*, 386 U.S. 738, 744 (1967).